FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE				
Case 22-CA-285725	Date Filed 11/3/2021			

INSTRUCTIONS:

ile an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.					
	GAINST WHOM CHARGE IS BROUGHT	h Tol No			
a. Name of Employer		b. Tel. No. (646) 253-2321			
United Rentals NA Pump Solutions		- Call Na			
		c. Cell No.			
		f. Fax No.			
d. Address (Street, city, state, and ZIP code)	e. Employer Representative				
444 Van Dinas Augnus	Dan Mumbu Fan	g. e-Mail			
111 Van Riper Avenue	Dan Murphy Esq.	dmurphy@bsk.com			
NJ Elmwood Park 07407		h. Number of workers employed			
		2			
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service				
Construction					
k. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of section	on 8(a), subsections (1) and (list			
subsections) 5	of the National Labor	Relations Act, and these unfair labor			
practices are practices affecting commerce within the meaning	g of the Act, or these unfair labor practices are unfa	air practices affecting commerce			
within the meaning of the Act and the Postal Reorganization A	act.				
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor prac	ctices)			
See additional page					
3. Full name of party filing charge (if labor organization, give full name, including local name and number)					
Pat Hjelm Title:					
International Union of Operating Engineers, Local 825 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No.					
Tal. Nations (Groot and Nambor, only, Glato, and Eli Godo)		(973) 671-6900			
65 Springfield Avenue, 3rd Floor	4	Ic Cell No			
NJ Springfield 07081					
,	4	4d. Fax No.			
	4	le. e-Mail			
		mbaselice@decotiislaw.com			
Full name of national or international labor organization of whorganization)	ich it is an amiliate of constituent unit (to be filled in	when charge is filed by a labor			
6. DECLARATION Tel. No.					
I declare that I have read the above charge and that the statements a	(201) 928-1100				
3:00	VEL 18 E 5				
TH	Michael Baselice Esq.	Office, if any, Cell No.			
By					
		un 140.			
	e	∍-Mail			
61 South Paramus Road	mbaselice@decotiislaw.com				
Address Paramus NJ 07652	(date)				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852



November 5, 2021

Dan Murphy, ESQ. United Rentals NA Pump Solutions 111 Van Riper Avenue Elmwood Park, NJ 07407

REGION 22

20 WASHINGTON PL

NEWARK. NJ 07102-3127

Re: United Rentals NA Pump Solutions

Case 22-CA-285725

Dear Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JAIME COSLOY whose telephone number is (718)765-6188. If this Board agent is not available, you may contact Supervisory LAURA ELRASHEDY whose telephone number is (862)229-7049.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

SUZANNE SULLIVAN Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Mobile App



November 5, 2021

Pat Hjelm International Union of Operating Engineers, Local 825 65 Springfield Avenue, 3rd Floor Springfield, NJ 07081

REGION 22

FL 5

20 WASHINGTON PL

NEWARK, NJ 07102-3127

Re: United Rentals NA Pump Solutions Case 22-CA-285725

Dear Hjelm:

The charge that you filed in this case on November 03, 2021 has been docketed as case number 22-CA-285725. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JAIME COSLOY whose telephone number is (718)765-6188. If this Board agent is not available, you may contact Supervisory LAURA ELRASHEDY whose telephone number is (862)229-7049.

<u>Right to Representation:</u> You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

SUZANNE SULLIVAN Regional Director

cc: Michael Baselice, ESQ.

DeCotiis, FitzPatrick, Cole & Giblin, LLP 61 South Paramus Road

Paramus, NJ 07652

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

United Rentals (North America), Inc., Pump Solutions	
and	CASE 22-CA-285725
IUOE Local 825	
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT United Rentals	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY OF DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS SUCH AS CHARGES.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
NAME: Daniel F. Murphy, Jr.	
MAILING ADDRESS: 600 Third Avenue, 22nd Floor	
E-MAIL ADDRESS: dmurphy@bsk.com	
office telephone number: 646-253-2321	
CELL PHONE NUMBER:	_FAX:
SIGNATURE: /s/ Daniel F. Murphy, Jr.	
DATE: 11/5/2021	

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

December 2, 2021

Dan Murphy, Esq. United Rentals Na Pump Solutions 111 Van Riper Avenue Elmwood Park, NJ 07407

Re: United Rentals NA Pump Solutions

Case 22-CA-285725

Dear Mr. Murphy:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

Suzanne Sullivan Regional Director

cc: PAT HJELM

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 825 65 SPRINGFIELD AVENUE, 3RD FL SPRINGFIELD, NJ 07081

MICHAEL BASELICE, ESQ.
DECOTIIS, FITZPATRICK, COLE &
GIBLIN, LLP
61 SOUTH PARAMUS ROAD
PARAMUS, NJ 07652

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
22-CA-259165	APRII 1/ 2020	

INSTRUCTIONS: 22-CA-25916

ile an original with NLRB Regional Director for the region in which the	alleged unfair labor practice occurred or is occurring	g.			
1. EMPLOYER AC	GAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer		b. Tel. No. (904) 598-6140			
Sunbelt Rentals, Inc.		(904) 390-0140			
		c. Cell No.			
		f. Fax No. (904) 598-6240			
d. Address (Street, city, state, and ZIP code)	e. Employer Representative				
50 N. Laura Street Suite 2600	Patricia J. Hill	g. e-Mail			
FL Jacksonville 32202	Attorney	pjhill@sgrlaw.com			
I L Jacksonville J2202	,	h. Number of workers employed			
		20			
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	•			
Construction					
k. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of secti	on 8(a), subsections (1) and (list			
subsections) 3					
		r Relations Act, and these unfair labor			
practices are practices affecting commerce within the meaning		air practices affecting commerce			
within the meaning of the Act and the Postal Reorganization A					
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor prac	ctices)			
0 188					
See additional page					
3. Full name of party filing charge (if labor organization, give full name, including local name and number)					
Pat Hjelm Title: International Union of Operating Engineers Local 825					
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No.			
Tal. Nations (Otroot and nambor, only, state, and 211 octo)		(201) 572-6658			
25.0 : 5.114	4	Ic. Cell No.			
65 Springfield Avenue 3rd Fl.					
NJ Springfield 07081	4	4d. Fax No.			
	4	łe. e-Mail			
		phjelm@ioue825.org			
5. Full name of national or international labor organization of wh	ich it is an affiliate or constituent unit (to be filled in	when charge is filed by a labor			
organization)					
6. DECLARATION	-	Tel. No.			
I declare that I have read the above charge and that the statements	(646) 210-0132				
v		` '			
Lauren Bonaguro	Office, if any, Cell No.				
By Ittle. A	Attorney Print/type name and title or office, if any)	(646) 210-0132			
(Ingriduate of representative of person making charge)	minotype name and title of office, if ally)	Fax No. (201) 928-0588			
		· · ·			
61 S. Paramus Road Suite 250	04/14/2020 15:43:02 €	e-Mail			
Address Paramus NJ 07652-	Lbonaguro@decotiislaw.com				
/ Iddi GOO	(date)				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	^{©)(©)(©} 20

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation	
(b) (6), (b) (7)(C)	Layoff	^{(3)(6), (6} 20	



Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852



Download NLRB Mobile App

April 15, 2020

Patricia J. Hill, Attorney Sunbelt Rentals, Inc. 50 N. Laura Street, Suite 2600 Jacksonville, FL 32202-____

REGION 22

20 WASHINGTON PL

NEWARK. NJ 07102-3127

Re: Sunbelt Rentals, Inc.

Case 22-CA-259165

Dear Hill:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III Regional Director

land & Gendin

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Download NLRB Mobile App

April 15, 2020

Pat Hjelm
International Union of Operating Engineers Local 825
65 Springfield Avenue, , 3rd Fl.
Springfield, NJ 07081

Re: Sunbelt Rentals, Inc. Case 22-CA-259165

Dear Hjelm:

The charge that you filed in this case on April 14, 2020 has been docketed as case number 22-CA-259165. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

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<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III Regional Director

Clave E. Gendit

cc: Lauren Bonaguro, ESQ., Attorney

DeCotiis, FitzPatrick, Cole & Giblin, LLP

61 S. Paramus Road, Suite 250

Paramus, NJ 07652-____

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sunbelt Rentals, Inc.	
and International Union of Operating Engineers, Local 825	CASE 22-CA-259165
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Sunbelt Rentals, Inc.	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VIDOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	MATION)
NAME: Patricia J. Hill	
MAILING ADDRESS: 50 North Laura Street, Suite 2600, Jackson	ville, Florida 32202
E-MAIL ADDRESS: pjhill@sgrlaw.com	
OFFICE TELEPHONE NUMBER: 904-598-6140	
SIGNATURE: OLUMAN (_FAX: 904-598-6240
(Please sign in ink.) DATE: April 24, 2020	

 $^{^{1}}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES GOV NATIONAL LABOR REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

June 8, 2020

Patricia J . Hill Smith Gambrell & Russell LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202-3629

Lauren Bonaguro, Esq. DeCotiis, FitzPatrick, Cole & Giblin, LLP 61 South Paramus Road, Suite 250 Paramus, NJ 07652

Re: Sunbelt Rentals, Inc.

Cases 22-CA-259165, 22-CA-259177

International Union of Operating Engineers,

Local 825 (Sunbelt Rentals, Inc.)

David E. Gend 14

Case 22-CB-259590

Dear Ms. Hill and Ms. Bonaguro:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

David E. Leach III Regional Director

cc: Pat Hjelm

International Union of Operating

Engineers Local 825

65 Springfield Avenue, 3rd Fl.

Springfield, NJ 07081

Chris Claeys Sunbelt Rentals, Inc. 3301 Tremley Point Road Linden, NJ 07036 INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
22-CA-259177	APRIL 14, 2020	

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A Name of Employer Sunbelt Rentals, Inc. D. Tel. No. (904) 598.6140	File an original with NLRB Regional Director for the region in which the	e alleged unfair labor practice occurred or is occurring	j.			
Surbelt Rentals, Inc. G04) 598.6140	1. EMPLOYER AG	GAINST WHOM CHARGE IS BROUGHT				
Address (Street, city, state, and ZIP code) d. Address (Street, city, state, and ZIP code) 50 N. Laura Street Suite 2600 FL Jacksonville 32202	a. Name of Employer					
d. Address (Street, city, state, and ZIP code) d. Address (Street, city, state, and ZIP code) 50 N. Laura Street Suite 2600 FL Jacksonville 32202	Sunbelt Rentals, Inc.		(904) 598-6140			
d. Address (Street, city, state, and ZIP code) 50 N. Laura Street Suite 2600 FL Jacksonville 32202	,		c. Cell No.			
d. Address (Street, city, state, and ZIP code) 50 N. Laura Street Suite 2800 FL Jacksonville 32202						
d. Address (Street, city, state, and ZIP code) 50 N. Laura Street Suite 2800 FL Jacksonville 32202			f. Fax No. (004) 500 0040			
Fil. Jacksonville 32202	d. Address (Street, city, state, and ZIP code)	e. Employer Representative	(904) 598-6240			
FL Jacksonville 32202— Altomey			g. e-Mail			
Attorney In Number of workers employed 20 In Number of workers 20 In Number of working the work and end in what a later practices are unfair practices and unfair labor practices and unfair labor practices and unfair labor practices 20 In Number of the Act and the selection of the Act or	50 N. Laura Street Suite 2600	Patricia J. Hill Esq.	pihill@sarlaw.com			
Type of Establishment (factory, mine, wholesaler, etc.) J. Identify principal product or service	FL Jacksonville 32202	Attorney				
I. Type of Establishment (factory, mine, wholesaler, etc.) Construction K. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and those unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page 3. Full name of party filing charge (if labor organization, give full name, including local name and number)						
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6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By Lauren Bonaguro [signature of representative or person making charge] Lauren Bonaguro Esq. Title: Attorney [Print/type name and title or office, if any) Fax No. e-Mail	5. Full name of national or international labor organization of wh	ich it is an affiliate or constituent unit (to be filled in	when charge is filed by a labor			
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By Lauren Bonaguro (signature of representative or person making charge) Lauren Bonaguro Esq. Title: Attorney (Print/type name and title or office, if any) Fax No. e-Mail	U. DECEMBRITION					
By Lauren Bonaguro (signature of representative or person making charge) Title: Attorney (Print/type name and title or office, if any) Fax No. e-Mail	Tuodato tiat Tiavo toda tio abovo dialgo dila tiat tio datomono	are that to the boot of my knowledge and boiler.	(646) 210-0132			
By Cauteri Boriaguro (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail	Lauren Penagura	Lauren Bonaguro Esq.	Office, if any, Cell No.			
61 S. Paramus Road Suite 250 04/14/2020 16:34:24 e-Mail	By	Attorney				
61 S. Paramus Road Suite 250 04/14/2020 16:34:24 e-Mail	(signature of representative or person making charge) (Print/type name and title or office, if any)					
61 S. Paramus Road Suite 250 04/14/2020 16:34:24						
61 S. Paramus Road Suite 250 04/14/2020 16:34:24		- -	e-Mail			
Address Paramus NJ 07652- (date) Lbonaguro@decotiislaw.com						
	Address Paramus NJ 07652-	Lbonaguro@decotilslaw.com				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
4/10/120	l Patricia J. Hill. Esg.	see additional information in	
		support of charge	



Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852



Mobile App

April 14, 2020

Patricia J. Hill, ESQ., Attorney Sunbelt Rentals, Inc. 50 N. Laura Street, Suite 2600 Jacksonville, FL 32202-____

REGION 22

20 WASHINGTON PL

NEWARK. NJ 07102-3127

Re: Sunbelt Rentals, Inc. Case 22-CA-259177

Dear Hill:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III Regional Director

land & Gendin

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



Download

REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Download NLRB Mobile App

April 23, 2020

Pat Hjelm
International Union of Operating Engineers Local 823
65 Springfield Avenue
3rd Fl.
Springfield, NJ 07081

Re: Sunbelt Rentals, Inc. Case 22-CA-259177

Dear Hjelm:

The charge that you filed in this case on April 14, 2020 has been docketed as case number 22-CA-259177. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III Regional Director

and E. Gentill

cc: Lauren Bonaguro, ESQ., Attorney DeCotiis, FitzPatrick, Cole & Giblin, LLP

61 S. Paramus Road

Suite 250

Paramus, NJ 07652-____

UNITED STATES GOV NATIONAL LABOR REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

June 8, 2020

Patricia J . Hill Smith Gambrell & Russell LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202-3629

Lauren Bonaguro, Esq. DeCotiis, FitzPatrick, Cole & Giblin, LLP 61 South Paramus Road, Suite 250 Paramus, NJ 07652

Re: Sunbelt Rentals, Inc.

Cases 22-CA-259165, 22-CA-259177

International Union of Operating Engineers,

Local 825 (Sunbelt Rentals, Inc.)

David E. Gend 14

Case 22-CB-259590

Dear Ms. Hill and Ms. Bonaguro:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

David E. Leach III Regional Director

cc: Pat Hjelm

International Union of Operating

Engineers Local 825

65 Springfield Avenue, 3rd Fl.

Springfield, NJ 07081

Chris Claeys Sunbelt Rentals, Inc. 3301 Tremley Point Road Linden, NJ 07036 INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE				
Case	Date Filed			
22-CA-280012	7/16/2021			

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer b. Tel. No. (203) 918-7513 United Rentals North America c. Cell No. f. Fax No. e. Employer Representative d. Address (Street, city, state, and ZIP code) g. e-Mail 100 First Stamford Place - Suite 700 ^{6), (b) (}@ur.com CT Stamford 06902 h. Number of workers employed 10 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Construction Construction k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Union of Operating Engineers, Local 825 4b. Tel. No. 4a. Address (Street and number, city, state, and ZIP code) (201) 572-6658 4c. Cell No. 65 Springfield Avenue (201) 572-6658 NJ Springfield 07081 4d. Fax No. 4e. e-Mail phjelm@iuoe825.org 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Tel. No. 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (646) 210-0132 Office, if any, Cell No. Lauren Bonaguro Title: Attorney (646) 210-0132 (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail 61 South Paramus Road 07/16/2021 12:45:42 PM bonaguro@decotiislaw.com Address Paramus NJ 07652 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
^{(b)(6, (b))7} /2021	(b) (6), (b) (7)(C)	To be provided	^{(b) (6), (b) (7} /2021



REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127



Download NLRB Mobile App

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

July 16, 2021

(b) (6), (b) (7)(C)

100 First Stamford Place - Suite 700 Stamford, CT 06902

Re: United Rentals North America

Case 22-CA-280012

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney HENRY POWELL whose telephone number is (862)229-7066. If this Board agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Richard E. Fox

RICHARD E. FOX Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



REGION 22

FL 5

20 WASHINGTON PL

NEWARK, NJ 07102-3127

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852



July 16, 2021

Pat Hjelm International Union of Operating Engineers, Local 825 65 Springfield Avenue Springfield, NJ 07081

> Re: United Rentals North America Case 22-CA-280012

Dear Hjelm:

The charge that you filed in this case on July 16, 2021 has been docketed as case number 22-CA-280012. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney HENRY POWELL whose telephone number is (862)229-7066. If this Board agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051.

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<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Richard E. Fox

RICHARD E. FOX Acting Regional Director

cc: Lauren Bonaguro, Esq.
DeCotiis Fitzpatrick Cole & Giblin LLP
61 South Paramus Road
Paramus, NJ 07652

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

United Rentals	
and International Union of Operating Engineers, Local 825	CASE 22-CA-280012
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATI United Rentals	IVE OF
N THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO	
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 $^{^{1}}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

September 28, 2021

(b) (6), (b) (7)(C)

UNITED RENTALS NORTH AMERICA 100 FIRST STAMFORD PLACE - STE 700 STAMFORD, CT 06902

> Re: United Rentals North America Case 22-CA-280012

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Eric Schechter

Acting Regional Director

cc: PAT HJELM INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 825 65 SPRINGFIELD AVENUE SPRINGFIELD, NJ 07081

> LAUREN BONAGURO, ATTORNEY DECOTIIS FITZPATRICK COLE & GIBLIN LLP 61 SOUTH PARAMUS ROAD PARAMUS, NJ 07652

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE			
Case	^{□at} ⊕et 8, 2021		
22-CA-284215	,		

INSTRUCTIONS:

ile an original with NLRB Regional Director for the region in which the	<u> </u>	g.			
	GAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer		b. Tel. No. (908) 290-7249			
Sunbelt Rentals Climate Control					
		c. Cell No.			
		f. Fax No.			
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	I. Fax No.			
a. Hadross (onost, sty, state, and 211 code)		g. e-Mail			
3301 Tremley Point Rd	Bill Payne	bill.payne@sunbeltrentals.com			
NJ Linden 07036	nden 07036 Regional Manager NE				
		h. Number of workers employed 20			
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	20			
Construction	j. Identity principal product of service				
k. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of sect	ion 8(a) subsections (1) and (list			
subsections) 5		r Relations Act, and these unfair labor			
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		air practices affecting commerce			
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	actices)			
.		•			
See additional page					
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)				
Pat Hjelm Title:					
International Union of Operating Engineers Local 825					
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (201) 572-6658			
65 Springfield Ave 3rd Floor	[4c. Cell No.			
NJ Springfield 07851					
The opinighold of oot		4d. Fax No.			
		4e. e-Mail			
		PHjelm@iuoe825.org			
5. Full name of national or international labor organization of wh	ı ich it is an affiliate or constituent unit <i>(to be filled ii</i>	n when charge is filed by a labor			
organization)					
6. DECLARATION		Tel. No.			
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	(908) 616-8702			
16 Notes Med	Robert McGowan	Office, if any, Cell No.			
By Title:	Robert McGowaii	omes, it diff, son its.			
-,	Print/type name and title or office, if any)	Fax No.			
04.0		e-Mail			
61 South Paramus Road Suite 250	10/08/2021 12:00:03 PM	rmcgowan@decotiislaw.com			
Address Paramus NJ 07652	(date)				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852



October 8, 2021

Bill Payne, Regional Manager NE Sunbelt Rentals Climate Control 3301 Tremley Point Rd Linden, NJ 07036

REGION 22

20 WASHINGTON PL

NEWARK. NJ 07102-3127

Re: Sunbelt Rentals Climate Control

Case 22-CA-284215

Dear Payne:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Richard E. Fox

RICHARD E. FOX Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081	NATIONAL LABOR RELA	ATIONS BOARD		
QUESTIONNAIRE ON COMMERCE INFORMATION				
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.				
CASE NAME			CASE NUMBER	
22-C				
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in legal	documents forming entity)		
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] LLP	[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify)			
3. IF A CORPORATION or LLC				
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subsidi	ary) OF ALL RELATED F	ENTITIES
OR FORMATION				
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PART	NERS	
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5. IF A SOLE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF PROPE	IE I UK		
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6. BRIEFLY DESCRIBE THE NATURE OF YO	UR OPERATIONS (Products h	andled or manufactured, or nature of s	ervices performed).	
7A. PRINCIPAL LOCATION:	7B. BRANC	TH LOCATIONS:		
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED				
A TOTAL.	D AT THE ADDRESS DAY	OLVED IN THE MATTER.		
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SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations
Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71
Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause
the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

E-MAIL ADDRESS

DATE

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SUNBELT RENTALS CLIMATE CONTROL Charged Party and INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 825 Charging Party	Case 22-CA-284215
AFFIDAVIT OF SERVICE OF CHARGE AGAIN I, the undersigned employee of the National Labor Recoctober 8, 2021, I served the above-entitled document following persons, addressed to them at the following Bill Payne, Regional Manager NE Sunbelt Rentals Climate Control 3301 Tremley Point Rd Linden, NJ 07036	lations Board, state under oath that on (s) by post-paid regular mail upon the
October 8, 2021 Date	Albert Santiago, Designated Agent of NLRB Name
Date	manie

Albert Santiago

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Download NLRB Mobile App

October 8, 2021

Pat Hjelm International Union of Operating Engineers Local 825 65 Springfield Ave, 3rd Floor Springfield, NJ 07851

Re: Sunbelt Rentals Climate Control Case 22-CA-284215

Dear Hjelm:

The charge that you filed in this case on October 08, 2021 has been docketed as case number 22-CA-284215. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Richard E. Fox

RICHARD E. FOX Acting Regional Director

cc: Robert McGowan
Decotiis, Fitzpatrick, Cole & Giblin LLP
61 South Paramus Road, Suite 250
Paramus, NJ 07652

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

CASE 22-CA-284215 Sunbelt Rentals Climate Control
GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
TIVE OF
THAT THE PARTY MAY RECEIVE COPIES OF ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN TS AS DESCRIBED IN SEC. 11842.3 OF THE
MATION)
_FAX:
Time

 $^{^1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-508 (6-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
22-CB-259590	APRIL 24, 2020	

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

		9 /2			
1. LABOR ORGANIZATION OR I	TS AGENTS	AGAINST WHICH CHAR	GE IS BROU	JGHT	
a. Name International Union of Operating Engineers, Local 825		b. Union Representative to contact Pat Hjelm			
c. Address (Street, city, state, and ZIP code) 65 Springfield Avenue, 3rd Floor Springfield, New Jersey 07081			d. Tel. No. 973-671-6		e. Cell No.
			f. Fax. No. 973-921-2		
				uoe825.org	
h. The above-named labor organization has engaged in and is engaged (list subsections) (b)(3) practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		of the Nation	nal Labor Re	elations Act, a	and these unfair labor
2. Basis of the Charge (set forth a clear and concise statement of the Due to the current COVID-19 Pandemic and related econor reduction of hours of work of bargaining unit employees at refused to bargain collectively with the Employer regarding Section 8(b)(3) and (d) of the Act.	mic impact, Employer's	the Employer requested facility located in Line	d to bargai den. New J	n with the U	sponse the Union
3. Name of Employer Sunbelt Rentals, Inc.		4a. Tel. No. 908-754-9917	b. Cell No.		c. Fax No. 908-754-2276
		d. e-mail chris.claeys@sunbeltr	entals.com	ı	
5. Location of plant involved (street, city, state and ZIP code) 3301 Tremley Point Road Linden, New Jersey 07036			6. Employe Patricia J.	r representati Hill, Esq.	ve to contact
7. Type of establishment (factory, mine, wholesaler, etc.) Rental Location	8. Identify pr Equipment	Identify principal product or service Equipment Rental		9. Number of Over 12,00	f workers employed
0. Full name of party filing charge Sunbelt Rentals, Inc.					
1. Address of party filing charge (street, city, state and ZIP code) 3301 Tremley Point Road, Linden, New Jersey 07036		11a. Tel. No. 908-754-9917	b. Cell No.		c. Fax No. 908-754-2776
		d. e-mail chris.claeys@sunbeltre	entals.com	8	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (signature of representative or person making charge) (Print/type name and title or office, if any)		Tel. No. 908-754-9917			
		(b) (6), (b) (7)(C)			
Address 3301 Tramley Pont RA Lundan, N	5 <i>07036</i> c	Date <u>4/84/2020</u>		08-754-2776 -mail nris.claeys@	sunbeltrentals.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Download NLRB Mobile App

April 27, 2020

Pat Hjelm INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 825 65 SPRINGFIELD AVENUE 3RD FLOOR SPRINGFIELD, NJ 07081

> Re: Sunbelt Rentals, Inc Case 22-CB-259590

Dear Mr. Hjelm:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Enclosure: Copy of Charge

Very truly yours,

DAVID E. LEACH III

Clave & Gentill

Regional Director



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Mobile App



April 27, 2020

CHRIS CLAEYS 3301 TREMLEY POINT ROADD LINDEN, NJ 07036

REGION 22

FL 5

20 WASHINGTON PL

NEWARK, NJ 07102-3127

Re: Sunbelt Rentals, Inc

Case 22-CB-259590

Dear Mr. CLAEYS:

The charge that you filed in this case on April 24, 2020 has been docketed as case number 22-CB-259590. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III

Clava & Gendin

Regional Director



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 22 20 WASHINGTON PL FL 5 NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852 Download NLRB Mobile App

April 27, 2020

Patricia J. Hill, ESQ. SUNBELT RENTALS, INC. 3301 TREMLEY POINT ROAD LINDEN, NJ 07036

> Re: Sunbelt Rentals, Inc Case 22-CB-259590

Dear Ms. Hill:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NANCY SLAHETKA whose telephone number is (862)229-7060. If this Board agent is not available, you may contact Deputy Regional Attorney JULIE KAUFMAN whose telephone number is (862)229-7028.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID E. LEACH III Regional Director

(lava & Gendin

Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Agency Website: www.nlrb.gov Telephone: (973)645-2100 Fax: (973)645-3852

June 8, 2020

Patricia J . Hill Smith Gambrell & Russell LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202-3629

Lauren Bonaguro, Esq. DeCotiis, FitzPatrick, Cole & Giblin, LLP 61 South Paramus Road, Suite 250 Paramus, NJ 07652

> Sunbelt Rentals, Inc. Cases 22-CA-259165, 22-CA-259177

International Union of Operating Engineers, Local 825 (Sunbelt Rentals, Inc.) Case 22-CB-259590

Dear Ms. Hill and Ms. Bonaguro:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

David E. Gendin

David E. Leach III Regional Director

cc: Pat Hjelm
International Union of Operating
Engineers Local 825
65 Springfield Avenue, 3rd Fl.
Springfield, NJ 07081

Chris Claeys Sunbelt Rentals, Inc. 3301 Tremley Point Road Linden, NJ 07036